

Christopher M. Humes Esq., Nevada Bar No. 12782  
William D. Nobriga, Esq., Nevada Bar No. 14931  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135  
Email: [chumes@bhfs.com](mailto:chumes@bhfs.com)  
Email: [wnobriga@bhfs.com](mailto:wnobriga@bhfs.com)

*Attorneys for Defendant/Counterclaimant*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

# WALKER SPECIALTY CONSTRUCTION, INC.

**Plaintiff,**

BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS JOINT PENSION TRUST;  
THE CONSTRUCTION INDUSTRY AND  
LABORERS PENSION TRUST FOR  
SOUTHERN NEVADA

#### Defendants.

BOARD OF TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS JOINT PENSION TRUST;  
THE CONSTRUCTION INDUSTRY AND  
LABORERS PENSION TRUST FOR  
SOUTHERN NEVADA

#### Counterclaim Plaintiffs

V.

**WALKER SPECIALTY  
CONSTRUCTION, INC.**

#### **Counterclaim Defendant.**

CASE NO.: 2:23-cv-00281-APG-VCF

**STIPULATION AND ORDER TO  
EXTEND DISPOSITIVE MOTIONS  
DEADLINE**

**(FIRST REQUEST)**

1           Defendants/Counterclaimants, the Board of Trustees of the Construction Industry and  
 2 Laborers Pension Trust for Southern Nevada and the Construction Industry and Laborers Pension  
 3 Trust for Southern Nevada (collectively, the “Pension Trust”), by and through its attorneys of  
 4 record at Brownstein Hyatt Farber Schreck, LLP, and Plaintiff/Counterdefendant Walker  
 5 Specialty Construction, Inc. (“Walker Specialty”) by and through their counsel of record, the law  
 6 firm of Fennemore Craig, P.C. (together with the Pension Trust, the “Parties”) hereby stipulate to  
 7 extend the current deadline for the Parties’ replies in support of their motions for summary  
 8 judgment (the “Reply”) by seven (7) days, pursuant to Local Rule IA 6-1 and 6-2, and Local Rule  
 9 26-3, as follows:

10           1.       The current deadline for filing dispositive motions in this case is October 2, 2023.  
 11          Counsel for the parties propose that the deadline be extended by seven (7) days until October 9,  
 12 2023.

13           2.       This matter is an appeal of an arbitration award regarding employer withdrawal  
 14 liability pursuant to 29 U.S.C. § 1401(b)(2) of the Employee Retirement Income Security Act of  
 15 1974 (“ERISA”) and the Multiemployer Pension Plan Amendments Act of 1980 (“MPPAA”).

16           3.       The Parties have thus far complied in full with the current scheduling order (ECF  
 17 No. 11, filed July 5, 2023), having met and conferred and agreed upon a Jointly Stipulated  
 18 Administrative Record. The Parties have also filed their dispositive motions and oppositions to  
 19 the other Party’s dispositive motion.

20           4.       The Pension Trust’s counsel requested an extension from Walker Specialty’s  
 21 counsel to the Reply deadline because after the Pension Trust’s counsel submitted the joint  
 22 proposed discovery plan, the Pension Trust’s counsel became aware of a substantial professional  
 23 obligation involving cross country travel that would arise unexpectedly during the current  
 24 response period, leaving a compressed time period for Pension Trust’s counsel to draft arguments  
 25 in response to Walker Specialty’s opposition to the Pension Trust’s motion for summary  
 26 judgment. Walker Specialty’s counsel graciously agreed to provide the professional courtesy to  
 27 the Pension Trust’s counsel after meeting and conferring on September 26, 2023.

28           5.       This request is made in good faith, is not for the purpose of delay and is the first

request by the Parties to extend any deadline in the scheduling order. Given that there is no trial in this matter due to the appellate nature of the proceedings, the Parties submit that this seven-day extension will not unduly burden progress in this case going forward as there is likely no further substantial briefing to be conducted by the Parties after the submission of dispositive motions.

6. Nothing in this Stipulation, nor the fact of entering to the same, shall be construed as waiving any claim and/or defense held by any party.

#### 7. Current Discovery Schedule:

Reply in Support of Motion for Summary Judgment Deadline: October 2, 2023

## 8. Proposed Discovery Schedule:

**Reply in Support of Motion for Summary Judgment Deadline:** October 9, 2023

DATE: September 26, 2023

FENNEMORE CRAIG, P.C.

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

By: /s/ Ryan C. Curtis

Ryan C. Curtis  
NV Bar No. 012949  
2394 E. Camelback Road, Suite 600  
Phoenix, Arizona 85016

By: /s/ Christopher M. Humes

Christopher M. Humes, Esq.  
NV Bar No. 12782  
William D. Nobriga, Esq.  
NV Bar No. 14931  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106-4614

Attorneys for Plaintiff

Attorneys for Defendant

ORDER

## IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

**DATED:** September 27, 2023